

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

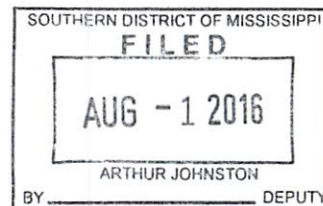
Southern District of Mississippi

United States of America

v.

JAMES C. EUSTICE

Case No. 1:16mj 53-JCG



Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 28, 2016 in the county of Harrison in the
Southern District of Mississippi, the defendant(s) violated:

Code Section
 18 U.S.C. 922(g)(1)

Offense Description
 Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See attached affidavit incorporated herein

☒ Continued on the attached sheet.

A handwritten signature in blue ink, appearing to read "Kevin Istre".

Complainant's signature

Kevin Istre, S/A ATF
 Printed name and title

Sworn to before me and signed in my presence.

Date: 01 Aug 16City and state: Gulfport, MS

A handwritten signature in blue ink, appearing to read "John C. Gargiulo".

Judge's signature

John C. Gargiulo, U.S. Magistrate
 Printed name and title

Affidavit for Criminal Complaint

I, Kevin Istre, being duly sworn and deposed, state the following:

I am a Special Agent employed by the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives in the Gulfport, Mississippi Field Office, and have been so employed since May, 2014. Beginning in November 2004, I was a Police Officer with the City of Baton Rouge, Louisiana, where I served as a Task Force Agent with the Drug Enforcement Administration from July, 2009 until May of 2014. During my career I have investigated violations of Federal and State laws to include firearms and illegal substances. Based upon personal knowledge and information I have received from other law enforcement investigators, I am aware of the following facts.

1. On July 28, 2016 Gulfport Police Department initiated a probable cause traffic stop of a motor vehicle driven by Steven Ray Stone and occupied by JAMES C. EUSTICE in the 1900 block of 19th Avenue, inside the city limits of Gulfport, county of Harrison, Southern District of Mississippi.
2. Upon approaching the vehicle, Gulfport Police observed EUSTICE making furtive movements and leaning towards the driver's side of the vehicle while Stone was shaking profusely and breathing rapidly. Upon Stone exiting the vehicle, Officers observed a black "Springfield" firearm on the driver's floorboard. Both Stone and EUSTICE were taken into custody.
3. During a probable cause search of the vehicle, Officers located a cloth bag containing approximately 20 grams of suspected methamphetamine along with several dosage

units of assorted pharmaceutical narcotics and drug paraphernalia. Officers also located a black Remington shotgun with a pistol grip wedged into the rear seat.

4. Stone was advised of his Miranda rights, which he waived and gave a statement to investigators. Stone advised he was unaware of the black pistol or narcotics being in the vehicle he was driving until the police initiated the traffic stop. Upon seeing the police lights, Stone advised EUSTICE removed the pistol and the bag (containing the narcotics) and threw them at his feet. Stone advised investigators that he was aware of the shotgun located in the vehicle as he had observed EUSTICE load it into his vehicle. Stone advised he asked EUSTICE not to place it in the vehicle but ultimately allowed EUSTICE to load it into his vehicle. When asked if his DNA or fingerprints would be on the shotgun, EUSTICE advised they likely would be as he had shot the shotgun the previous night at an animal. Stone denied ownership of the currency located in the vehicle or being a drug trafficker. Stone advised he was an occasional drug user, was a convicted felon and currently out on bond for a pending narcotics charge.

5. EUSTICE was advised of his Miranda rights, which he waived and gave a statement to investigators. EUSTICE advised he was aware of the shotgun in the vehicle but denied ownership. EUSTICE stated he had arranged the sale of a firearm between Stone and a family member just prior to being stopped by police. EUSTICE denied ownership of the narcotics or pistol found in the vehicle. EUSTICE admitted to being a drug user. EUSTICE further advised investigators that they would likely find his DNA and fingerprints on all of the firearms and the narcotics located in the vehicle. EUSTICE advised investigators that he was a convicted felon currently serving probation through the Mississippi Department of Corrections.

6. I know, based upon my training and experience that the Remington Model 870 shotgun bearing serial number 375418V seized from the vehicle was not manufactured in the

state of Mississippi. Therefore this firearm would have moved in or affected interstate commerce to now be physically located in Mississippi.

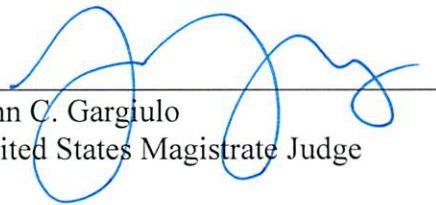
7. EUSTICE was convicted of Possession of Pseudoephedrine in the State of Mississippi, a crime punishable by more than one year in jail, and sentenced to five years. Investigators spoke to Mississippi Department of Corrections officials who confirmed EUSTICE was currently a parolee and under their supervision.

8. Based upon the foregoing information and my training and experience I believe information has been presented which supports a request for the issuance of an arrest warrant for JAMES C. EUSTICE for violations of Title 18, United States Code Section 922 (g)(1), felon in possession of a firearm.



Kevin Istre
Special Agent, US Department of Justice
Alcohol, Tobacco, Firearms & Explosives

Sworn and subscribed by me this 01 day of August, 2016.



John C. Gargiulo
United States Magistrate Judge